

103^D CONGRESS
2^D SESSION

H. R. 3975

To establish temporary measures to facilitate the reemployment of Federal employees who are involuntarily separated from teaching positions abroad; to amend title 5, United States Code, with respect to continuing health benefits for such employees; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 1994

Mr. McCLOSKEY introduced the following bill; which was referred jointly to the Committees on Post Office and Civil Service and Education and Labor

A BILL

To establish temporary measures to facilitate the reemployment of Federal employees who are involuntarily separated from teaching positions abroad; to amend title 5, United States Code, with respect to continuing health benefits for such employees; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Defense
5 Overseas Educators Act”.

1 **SEC. 2. TEMPORARY MEASURES TO FACILITATE REEM-**
2 **PLOYMENT OF DISPLACED TEACHERS.**

3 (a) DEFINITIONS.—For the purpose of this section—

4 (1) the term “agency” means an Executive
5 agency (as defined by section 105 of title 5, United
6 States Code), excluding the General Accounting Of-
7 fice;

8 (2) the term “DoDDS teacher” means a teach-
9 er within the meaning of section 2(2) of the Defense
10 Department Overseas Teachers Pay and Personnel
11 Practices Act (20 U.S.C. 901(2)); and

12 (3) the term “displaced employee” means—

13 (A) a DoDDS teacher who has been given
14 specific notice that such individual is to be sep-
15 arated due to a reduction in force; and

16 (B) any individual who has been involun-
17 tarily separated from service as a DoDDS
18 teacher due to a reduction in force.

19 (b) CONSIDERATION FOR VACANT POSITIONS.—In
20 accordance with regulations which the Office of Personnel
21 Management shall prescribe (consistent with otherwise ap-
22 plicable provisions of law), an agency shall, in filling a va-
23 cant position for which a qualified displaced employee has
24 applied in timely fashion, give full consideration to the ap-
25 plication of the displaced employee before selecting any
26 candidate from outside the agency for the position.

1 (c) LIMITATION.—A displaced employee shall remain
2 entitled to the consideration described in subsection (b)
3 until the end of the 12-month period beginning on—

4 (1) the date such employee receives the specific
5 notice described in subsection (a)(3)(A); or

6 (2) if the employee is involuntarily separated
7 (as described in subsection (a)(3)(B)), the effective
8 date of the separation.

9 (d) APPLICABILITY.—

10 (1) IN GENERAL.—This section shall apply to
11 any individual who—

12 (A) becomes a displaced employee during
13 the 12-month period ending on the day before
14 the date of enactment of this Act; or

15 (B) becomes a displaced employee on or
16 after the date of enactment of this Act and be-
17 fore October 1, 1997.

18 (2) RULE FOR APPLYING THE 12-MONTH LIM-
19 TATION TO CURRENT DISPLACED EMPLOYEES.—For
20 the purpose of any displaced employee described in
21 paragraph (1)(A), the 12-month period under sub-
22 section (c) shall be considered to begin on the date
23 of enactment of this Act, rather than the date which
24 would otherwise be required by subsection (c).

1 (3) POSITIONS TO WHICH THIS SECTION SHALL
2 NOT APPLY.—Nothing in this section shall be consid-
3 ered to apply with respect to any position—

4 (A) which has been filled as of the date of
5 enactment of this Act; or

6 (B) which has been excepted from the com-
7 petitive service because of its confidential, pol-
8 icy-determining, policy-making or policy-advo-
9 cating character.

10 **SEC. 3. TEACHER RECRUITMENT.**

11 (a) AMENDMENT RELATING TO BENEFITS FOR
12 TEACHERS RECRUITED ABROAD.—

13 (1) IN GENERAL.—Section 5 of the Defense De-
14 partment Overseas Teachers Pay and Personnel
15 Practices Act (20 U.S.C. 903) is amended by redesh-
16 ignating subsection (d) as subsection (e), and by in-
17 serting after subsection (c) the following:

18 “(d)(1) Each individual recruited outside the United
19 States for service in a teaching position shall, after such
20 individual completes 1 full school year of service in a
21 teaching position, be entitled to the same benefits as an
22 individual recruited in the United States, to the extent
23 that such benefits are based on service in a teaching posi-
24 tion.

1 “(2)(A) Paragraph (1) shall not apply in the case of
2 any individual who is the spouse of, and residing in the
3 same household as, a member of a uniformed service who
4 is eligible (as such a member) for benefits comparable to
5 those described in section 7 or 8 of this Act.

6 “(B) An individual shall not be considered to have
7 ceased to reside in the same household as a member if
8 due to a reassignment of such member for 90 days or
9 less.”.

10 (2) SERVICE TO BE CONSIDERED.—In admin-
11 istering the amendment made by paragraph (1),
12 service performed before, on, or after the date of en-
13 actment of this Act shall be considered.

14 (b) AMENDMENT RELATING TO THE DEFINITION OF
15 A “TEACHING POSITION”.—Paragraph (1) of section 2 of
16 the Defense Department Overseas Teachers Pay and Per-
17 sonnel Practices Act (20 U.S.C. 901(1)) is amended by
18 striking the period at the end of subparagraph (B)(iii) and
19 inserting a comma, and by adding at the end of such para-
20 graph the following:

21 “including those cases in which such duties and re-
22 sponsibilities are performed—

23 “(I) in a substitute capacity;

24 “(II) as a summer school teacher;

1 “(III) as an instructor for the Junior Re-
 2 serve Officers’ Training Corps;

3 “(IV) as a paraprofessional or teacher
 4 aide;

5 “(V) for a definite term, not to exceed 1
 6 school year, in the excepted service; or

7 “(VI) for an indefinite term in the ex-
 8 cepted service.”.

9 **SEC. 4. COMPENSATION; LEAVE TRANSFERS; RECERTIF-**
 10 **ICATION.**

11 (a) COMPENSATION; LEAVE TRANSFERS.—The De-
 12 fense Department Overseas Teachers Pay and Personnel
 13 Practices Act (20 U.S.C. 901 and following) is amended—

14 (1) in sections 4(a)(2) and 5(c) by striking
 15 “urban”; and

16 (2) in section 6 by adding at the end the follow-
 17 ing:

18 “(h) The Director of Dependents’ Education, in con-
 19 sultation with the Director of the Office of Personnel Man-
 20 agement, shall establish for teachers—

21 “(1) a voluntary leave transfer program similar
 22 to the one under subchapter III of chapter 63 of
 23 title 5, United States Code; and

1 “(2) a voluntary leave bank program similar to
2 the one under subchapter IV of chapter 63 of title
3 5, United States Code.”.

4 (b) RECERTIFICATION.—Paragraph (5) of section
5 1413 of the Defense Dependents’ Education Act of 1978
6 (20 U.S.C. 931(5)) is amended to read as follows:

7 “(5) provide for a recertification program for
8 professional personnel employed in the system to ob-
9 tain not more than 6 semester-hours of graduate or
10 undergraduate coursework in any discipline or sub-
11 ject area taught by schools of the defense depend-
12 ents’ education system, and”.

13 (c) APPLICABILITY.—The amendments made by sub-
14 section (a)(1)—

15 (1) shall apply with respect to compensation for
16 service performed in fiscal years beginning more
17 than 90 days after the date of enactment of this
18 Act; and

19 (2) shall be deemed not to have been enacted
20 for purposes of determining compensation for service
21 performed before the first fiscal year to which such
22 amendments apply under paragraph (1).

23 **SEC. 5. CONTINUED HEALTH BENEFITS.**

24 (a) IN GENERAL.—Section 8905a(d) of title 5,
25 United States Code, is amended—

1 (1) in paragraph (1)(A) by striking “Except as
2 provided in paragraph (4),” and inserting “Except
3 as provided in paragraph (4) or (5),”;

4 (2) in paragraph (2) by striking “in accordance
5 with paragraph (1) or (4),” and inserting “in ac-
6 cordance with paragraph (1), (4), or (5),”; and

7 (3) by adding at the end the following:

8 “(5)(A) For the purpose of this paragraph, the term
9 ‘teaching position’ has the meaning given such term under
10 section 2(1) of the Defense Department Overseas Teach-
11 ers Pay and Personnel Practices Act.

12 “(B) If the basis for continued coverage under this
13 section is an involuntary separation from a teaching posi-
14 tion due to a reduction in force—

15 “(i) the individual shall be liable for not more
16 than the employee contributions referred to in para-
17 graph (1)(A)(i); and

18 “(ii) the agency which last employed the indi-
19 vidual shall pay the remaining portion of the amount
20 required under paragraph (1)(A).

21 “(C) This paragraph shall apply with respect to any
22 individual whose continued coverage is based on a separa-
23 tion occurring on or after the date of enactment of this
24 paragraph and before—

25 “(i) October 1, 1997; or

1 “(ii) February 1, 1998, if specific notice of such
2 separation was given to such individual before Octo-
3 ber 1, 1997.”.

4 (b) SOURCE OF PAYMENTS.—Any amount which be-
5 comes payable by an agency as a result of the enactment
6 of subsection (a) shall be paid out of funds or appropria-
7 tions available for salaries and expenses of such agency.

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